REMARKS

Applicants have considered the Office Action mailed August 25, 2006 and respectfully request consideration of the claim amendments and remarks attached with the Request for Continued Examination.

Initially, in reviewing the application file, it is noted that the Information Disclosure Statement submitted on October 6, 2005 has not been fully considered by the Examiner. Specifically, it is noted that the foreign patent document WO 01/35368 A2 is neither initialed by the Examiner, nor crossed out as required by MPEP §609.01. A copy of the PTO-1449 considered by the Examiner is attached for further consideration. If for some reason the foreign patent document is not to be considered by the Examiner, an explanation as to why would be appreciated.

Claims 1-7, 14-23, 26-31 and 50 continue to be rejected in view of the references to Dykema et al, U.S. Patent No. 5,661,804 and the patent to Burgess, U.S. Patent No. 6,617,975. The remaining claims are also rejected as being obvious in view of Dykema and Burgess, and in further view of the patents to Tsui, Suman and Huang. Claims 51-53 have been rejected as being obvious in view of Dykema, Burgess and the patent to Meier.

The applicants respectfully request entry of amendments to and reconsideration of amended independent claim 1. In regard to claim 1, it now sets forth that an operator controls a motorized barrier and the operator is taught to receive selected wireless operational signals to control the motorized barrier. The claim further sets forth that a device which controls an electrical load is taught to receive selected wireless operational signals and wherein the selected wireless operational signals are recognizable by both the operator and the device. And the claim sets forth that at least one transmitter generates wireless operational signals upon a single button actuation receivable by both the operator and the device for at least one of independent operation of each and collective operation of both the operator and the device.

Prior to discussing the merits of the Action, the Applicants would like to comment on the teachings of the primary references -- Dykema and Burgess. It is respectfully submitted that Dykema, as best evidenced in Fig. 5, discloses a vehicle mounted transmitter device 43 which learns the characteristics of an activation signal B associated with a remote transmitter 65. After the device 43 learns the signal B, the characteristics of the remote transmitter are associated with one of the switches 44, 46 or 47 maintained by

the device 43. Upon actuation of one of these switches, a transceiver circuit 55 of the device 43 transmits signal T. In essence, the transceiver circuit 55 contained in the vehicle mounted remote 43 replaces or replicates remote transmitter 65.

The device disclosed in Burgess operates in much the same manner as the vehicle mounted transmitter device set forth in Dykema. However, instead of communicating a signal externally from a vehicle, the disclosed device of Burgess communicates to a control and distribution circuit maintained within the vehicle. Specifically, as best seen in Fig. 2 of Burgess, a remote transmitter 108 sends a temporary or learning signal 132 to a "self-contained unit" (components 112, 122, 130, 114, 118, 116, 120 and 121) associated with the keypad 112 and, as such, the self-contained unit learns the transmission characteristics of the remote transmitter 108. Upon entry of a "key," which is in the form of a sequence of keypad actuations, the self-contained unit transmits a signal 117 to actuate an appropriate device in the vehicle as controlled by the control and distribution circuit 110.

Both the Dykema and Burgess references teach use of one type of transmitter to replicate another type of remote transmitter. This is done by use of a learning signal identified as signal 132 in Burgess and signal B in Dykema.

Dykema and Burgess each teach that learn signals go from a first transmitter to a second transmitter for replication of the first transmitter. Accordingly, actuation of the second transmitter initiates generation of a command signal similar to what would have been generated by the first transmitter. It is submitted that the assertion that "operator" 114, which is identified as a processor by Burgess, teaches an operator as set forth in claim 1 is fundamentally wrong. The processor 114 is part of the self-contained unit which functions essentially the same as the remote transmitter 108. Indeed, the processor 114 controls the self-contained unit/transmitter device, not an operator that controls a motorized barrier.

The control and distribution circuit 110 identified by Burgess supposedly controls doors, lights, security functions etc. However, it is noted at column 4, lines 2-6 of Burgess that "the inventive transmitter cannot be used without prior authorization." This authorization requires actuation of multiple buttons in sequence, "...the wireless command signals will not be sent unless the proper code is first entered by an appropriate user." (Col. 3, lines 48-50). This is in distinct contrast to the presently claimed system which

requires only "a single button" actuation to generate signals receivable by both the device and the operator. Nothing in the Burgess reference indicates that a single button actuation results in issuance of an authorization signal. Therefore, the proffered combination does not teach or suggest that a single button actuation results in the generation of wireless operational signals receivable by both the operator and the device.

Claim 1 now also sets forth that the operator is taught to receive selected wireless signals and that the "device" is also taught to receive selected wireless operational signals. This allows for the operational signals to be recognized by both the operator and the device. In other words, the operational signals can control the motorized barrier and the load. This is clearly not the case of Burgess wherein the signal 132 is a learning signal and signal 109 is an operational signal. Indeed, in Burgess, the signal 132 is not recognized by the alleged device 110, and the signal 109 is not recognized by the alleged operator 114. Therefore, the proffered combination does not teach that both the operator and the device receive operational signals from the same transmitter.

In summary, Burgess does not teach each and every limitation inasmuch as it does not provide a transmitter generating wireless operational signals upon a single button actuation receivable by both the operator and the device for at least one of independent operation of each and collective operation of both the operator and the device. Since each and every limitation of the amended claim is not met by the proffered combination of Dykema and Burgess, it is respectfully submitted that a *prima facie* case of obviousness cannot be made. Inasmuch as both references are directed to replicating transmitters, neither provide a teaching or suggestion to control two different items -- a barrier operator and a device -- with a same signal either collectively (both at the same time) or individually. Therefore, it is respectfully submitted that claim 1 is allowable as well as all claims depending therefrom.

In regard to independent claim 50, it is respectfully submitted that none of the cited references teach a "subsequent transmission to operate the other device" as set forth in the claim. It is respectfully submitted that the closest prior art made of record is the patent to Mullet, U.S. Patent No. 6,880,609 cited in the last Information Disclosure Statement. A review of this reference, and in particular Figs. 1, 16 and 17, and the discussion related thereto, teach a transmitter sending a signal to an operator which, in turn, generates a signal to a remote assembly. There is absolutely no teaching or suggestion in this

reference that a signal could be sent from a remote assembly to an operator, or that a signal can be sent to both a remote assembly and an operator. Therefore, it is respectfully requested that the subject matter of this claim be reconsidered inasmuch as neither Dykema nor Burgess teach or suggest retransmission of an operational signal from a remote assembly. With it being the position of the applicants that claim 50 is allowable, it is respectfully submitted that all claims depending therefrom are likewise allowable.

All of the dependent claims have been rejected in view of certain prior art references. Upon further review of the claims and the cited references, reconsideration of all is respectfully requested and, especially the following.

It is respectfully submitted that in regard to claims 2, 7, 17 and 18, which set forth that the at least one transmitter is selected from a group consisting of a wall station transmitter, a remote transmitter and a keyless entry transmitter, none of the references made of record teach or suggest a wall station transmitter or a keyless transmitter and, as such, these claims are allowable on their own merit.

In regard to claim 5, it is noted that the claimed controller is considered to be part of the device component. The alleged microcontroller which supposedly teaches this limitation is part of the remote transmitter, not the device. Therefore, each and every limitation set forth in claim 5 is not found in the cited references made of record. Accordingly, it is respectfully submitted that claim 5 is allowable on its own merit.

In regard to claims 29-31, it is respectfully submitted that none of the references made of record teach that the at least one transmitter generates the wireless signals at a first frequency and wherein the operator generates wireless signals at a second frequency different from the first frequency. It is asserted that Column 2, lines 12-14 of Dykema teach a transceiver trained to match a frequency, but nothing in this passage teaches or suggests anything about one frequency being received and then subsequent generation of another signal at a different frequency. Moreover, antenna 59 of Dykema only receives signals in a learn mode. Therefore, it will be appreciated that the transmitter associated with the antenna 59 does not receive operational signals and then subsequently generate another operational signal at a different frequency. To suggest otherwise is in hindsight and improper under the law. Therefore, it is respectfully requested that claims 29-31 be allowed along with all claims depending therefrom.

In regard to claims 9-13, it is respectfully submitted that neither the Tsui reference

nor the Suman reference include a limitation regarding generation of a work-light command by the at least one transmitter to illuminate the light if in an off condition and returns the light to the off condition only if no door command had been previously received within a designated time period. Such a limitation is nowhere found in the cited references, nor is there any teaching or suggestion regarding the same. Therefore, it is respectfully submitted that claims 1 and 9-13 are allowable on their own merit.

In regard to dependent claim 24, it is respectfully submitted that the only time Huang, U.S. Patent No. 6,334,636, teaches ignoring a control signal is when the lock is already in the designated position. In other words, a lock control signal is ignored by the device of Huang when the lock is already in a lock position (see Huang, Col. 5, lines 16-22). In distinct contrast, actuation of the button precludes the controller from receiving any wireless signal. Therefore, Huang along with the other cited references, does not provide the necessary teaching for all of the limitations of the claim and, as such, a *prima facie* case of obviousness cannot be made in rejecting the claim. As such, claim 24 is allowable on its own merit.

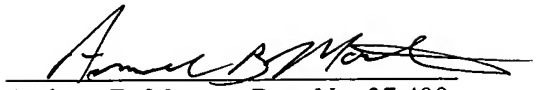
Claims 38 – 49 have been canceled, but Applicants reserve the right to re-enter them in a continuation application.

In view of the foregoing amendments and arguments presented herein, the Applicants believe that they have properly set forth the invention and accordingly, respectfully request the Examiner reconsider and withdraw the rejections provided in the last Office Action. A formal Notice of Allowance of claims 1-24, 26-31, 33-37 and 50-53 is earnestly solicited.

In the event that a fee required for the filing of this document is missing or insufficient, the undersigned Attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. **18-0987**. If a withdrawal is required from Deposit Account No. 18-0987, the undersigned Attorney respectfully requests that the Commissioner of Patents and Trademarks cite Attorney Docket Number **WAY.P.US0075** for billing purposes.

Should the Examiner deem a telephone call to be beneficial in resolving any remaining matters or to place the claims in better form for allowance, the same would be greatly appreciated.

Respectfully submitted,



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